

REMARKS

Reconsideration and further examination of this application is respectfully requested. Claims 2, and 7-16 were last presented for examination. Claims 1, 3-6 were previously withdrawn. Claims 2, 7, 8, 15 and 16 have been amended. The remaining claims are presented in their original form.

The Examiner objected to claims 15 and 16 because of grammatical and typographical errors. Accordingly claim 15 has been amended to correctly recite "fixedly mounted" and claim 16 has been amended to delete the word "liner" which describe a specific type of sealant and is an unnecessary limitation.

The Examiner rejected claims 2 and 7-8 under U.S.C. 102(b) as being anticipated by Kastel (US 2,419,951). It is axiomatic that the standard for lack of novelty under 35 U.S.C. 102(b) is one of strict identity. To anticipate a claim for a patent, a single prior source must contain all of the claim's essential elements.

One important difference between the Applicants' claims as amended and the Kastel patent (US 2,419,951) is the rotation of the chuck. The Kastel patent (US 2,419,951) uses a cam follower design that is comprised of a drive sprocket or pinion 10 with teeth that mesh with a rack portion 35 to rotate the shaft (see Column 3, lines 55-65). In contrast the Applicants rotate the chuck by the drive shaft 108. There is no pinion or rack portion to cause rotation. The Kastel patent (US 2,419,951) does not teach or disclose direct drive shafts as utilized by the Applicants. Also, the claims have been amended to recite that the translational mechanism moves both the chuck and drive shaft along at least one axis within said plane. This is shown in all the figures 1-4. This is described in the specification on page 6, lines 29-30 and page 7 lines 1-3. No new matter has been added. Therefore, in view of the forgoing discussion there can be no identity with the claims 2 and 7-8 as amended, which are now in condition for allowance and such action is respectfully requested.

The Examiner rejected claims 2 and 7-10, 13 and 15 under U.S.C. 102(b) as being anticipated by Larry John Lohmann (US 3,363,131). Again, to anticipate a claim for a patent, a single prior source must contain all of the claim's essential elements. See Lohmann (US 3,363,131) on column 3, lines 35-40. This patent is similar to the Kastel

patent wherein its drive assembly for the chuck or article holder utilizes a driving gear or sprocket 27 with gear teeth for meshing with a driving chain 25. Again, there is no pinion, rack portion, or drive sprocket with gear teeth to cause rotation utilized or claimed by the Applicants. The Lohmann patent (US 3,363,131) does not teach or disclose direct drive shafts as utilized by the Applicants. Again, the claims have been amended to recite that the translational mechanism moves both the chuck and drive shaft along at least one axis within said plane. Therefore, in view of the forgoing discussion there can be no identity with the claims 2 and 7-8 as amended, which are now in condition for allowance and such action is respectfully requested.

With respect to claims 9, 10, 11, 13, and 15 these dependent claims incorporate the limitations of claim 8 as amended. Therefore, in view of the forgoing discussion there can be no identity with the claims 2 and 7-10, 13 and 15 as amended, which are now in condition for allowance and such action is respectfully requested.

The Examiner rejected claim 12 under U.S.C. 103(a) as being unpatentable over Kastel (US 2,419,951) as applied to claim 8 and further in view of Keating (US 2,896,378).

It is axiomatic that, in order to make out a rejection under section 103, an examiner must show that the suggestion to make the claimed invention is found within the four corners of the cited references. The prior art reference or references when combined must teach or suggest all the claimed limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on applicant's disclosure. MPEP 706.02 (j).

As the Federal Circuit explained in *Ruis v. A.B.Chance Co.*, 57 U.S.P.Q. 2d 1161 (Fed. Cir. 2000), when an invention is less technologically complex, the danger increases that "the very ease with which the invention can be understood may prompt one to 'fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against the teacher.'" Applicants respectfully submit that the Examiner may be using such hindsight when he suggests that the cited references disclosed the Applicants' invention of utilizing a flexible shaft to drive in rotation. The flexible coupling 25 in Keating (US 2,896,378) does not suggest or teach that shaft and motor assembly can be moved with the chuck or work piece. In fact, the Applicants

teache a specific reason for having a flexible shaft. See page 8, lines 24-26, where there it states that “Due to the flexibility of the drive shaft 308, the machine designer may place the servomotor 306 as dictated by machine design concerns such as the available framework for mounting the motor 306, proximity to control systems, or other requirements.” Also, from the figures it can readily be seen that as the translational mechanism moves the chuck the drive shaft that is directly connected must be flexible.

The Kastel patent (US 2,419,951) as applied to claim 8 and further in view of Keating (US 2,896,378) does not teach or disclose flexible drive shafts as utilized by the Applicants. Additionally claim 12 incorporates all the amended limitations of claim 8 discussed hereinabove. Therefore, in view of the forgoing discussion claim 12 is now in condition for allowance and such action is respectfully requested.

The Examiner rejected claim 14 under U.S.C. 103(a) as being unpatentable over Lohmann (US 3,363,131) as applied to claim 8 and further in view of Isozaki et al (US 2003/0184744). The foregoing arguments with respect to claim 8 and the limitations added to the claim as amended apply here. Neither of these patents considered individually nor in combination teach or disclose a translational mechanism adapted to linearly move the non-circular closure and drive shaft. Additionally claim 14 incorporates all the amended limitations of claim 8 discussed hereinabove. Therefore, in view of the forgoing discussion claim 14 is now in condition for allowance and such action is respectfully requested.

The Examiner rejected claim 16 under U.S.C. 103(a) as being unpatentable over Lohmann (US 3,363,131) as applied to claim 8 and further in view of Rutledge et al (US 6,391,387). Again, the foregoing arguments with respect to claim 8 and the limitations added to the claim as amended apply here. Neither of these patents considered individually nor in combination teach nor disclose a translational mechanism adapted to linearly move the non-circular closure and drive shaft. Additionally claim 16 incorporates all the amended limitations of claim 8 discussed hereinabove. Therefore, in view of the forgoing discussion claim 16 is now in condition for allowance and such action is respectfully requested.

In view of the foregoing, Applicants respectfully submit that claims 2, and 7-16 are now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

COCHRAN FREUND & YOUNG LCC



Benjamin Hudson, Jr., Reg. No. 29,653

Attorney for Applicants

2026 Caribou Drive, Suite 201

Fort Collins, CO 80525

Telephone: (970) 492-1100

Fax: (970) 492-1101

Customer No. 27479

Dated this 18th day of July, 2006.